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BROMBERG & SUNSTEIN

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/726,066 | 12/02/2003 | Martin Zimmerling | 1941/172 |

2101
BROMBERG & SUNSTEIN LLP
125 SUMMER STREET
BOSTON, MA 02110-1618



CONFIRMATION NO. 2565

FORMALITIES LETTER



OC000000012956760

08/18/2004 SSESHE1 00000062 10726066

| | |
|------------|-----------|
| 01 FC:2001 | 385.00 OP |
| 02 FC:2202 | 117.00 OP |
| 03 FC:2203 | 145.00 OP |

Date Mailed: 06/16/2004

04 FC:2051

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

65.00 OP

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1-18.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$262** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$712 for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$262**
 - **\$117** for **13** total claims over 20.
 - **\$145** for multiple dependent claim surcharge.

**Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450**

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Practitioner's Docket No. 1941/172

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Martin Zimmerling, Claude Jolly

Application No.: 10/726.066

Group No.: 3762

Filed: December 2, 2003

Examiner: Not yet assigned

For: Fluid Switch Controlled Trans-cutaneously Via a Magnetic Force

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

COMPLETION OF FILING REQUIREMENTS
—NONPROVISIONAL APPLICATION

I. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed June 16, 2004.

A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

DECLARATION OR OATH

II. The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____


Signature

Date: August 16, 2004

Elizabeth P. Morano

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

SMALL ENTITY STATUS

III. An assertion that this filing is by a small entity was filed on December 2, 2003 (original).

COMPLETION FEES

IV.

1. Filing Fee

| | |
|--|----------|
| Original patent application (37 C.F.R. § 1.16(a)) | \$385.00 |
|--|----------|

2. Fees for Claims

| | |
|---|----------|
| Each claim in excess of 20 (37 C.F.R. § 1.16(c)) | \$117.00 |
|---|----------|

| | |
|--|----------|
| Multiple dependent claim(s) (37 C.F.R. § 1.16(d)) | \$145.00 |
|--|----------|

3. Surcharge Fees

| | |
|--|---------|
| Late payment of filing fee and/or late filing of original declaration or oath (37 C.F.R. § 1.16(e)) | \$65.00 |
|--|---------|

| | |
|-----------------------|----------|
| Total Completion Fees | \$712.00 |
|-----------------------|----------|

EXTENSION OF TIME

V. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VI. The total fee due is:

| | |
|------------------------|----------|
| Completion fees | \$712.00 |
| Extension fee (if any) | \$0.00 |
| Total Fee Due | \$712.00 |

PAYMENT OF FEES

VII. Attached is a check in the amount of \$712.00.

Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 19-4972.

A duplicate of this paper is attached.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

VIII. The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

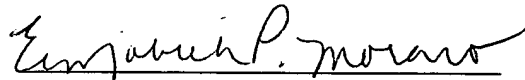
37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

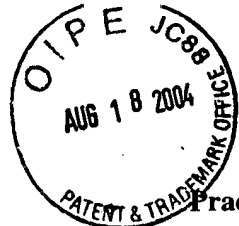
37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

37 C.F.R. § 1.17 (application processing fees)

Date: August 16, 2004



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Practitioner's Docket No. 1941/172

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Martin Zimmerling, Claude Jolly

Application No.: 10/726,066

Group No.: 3762

Filed: December 2, 2003

Examiner: Not yet assigned

For: Fluid Switch Controlled Trans-cutaneously Via a Magnetic Force

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF FORMAL DRAWINGS

In response to the *Notice to File Missing Parts if Nonprovisional Application* mailed on June 16, 2004, attached please find:

- (a) the formal drawing(s) for this application.
Number of Sheets: 6

Each sheet of drawing indicates the identifying indicia suggested in § 1.84(c) on the front of the drawing.

- (b) a copy of the Notice.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____ - _____


Signature

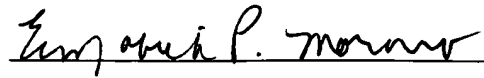
Date: August 16, 2004

Elizabeth P. Morano

(type or print name of person certifying)

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Date: August 16, 2004

A handwritten signature in black ink, appearing to read "Elizabeth P. Morano", written over a horizontal line.

Elizabeth P. Morano
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